IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Federal Trade Commission,   )
)
            Plaintiff,   )
    -vs-   )
)   Civil Action No. 07-692
Magazine Solutions, LLC, *et al.*,   )
)
            Defendants.   )
)

AMBROSE, Chief District Judge.

ORDER

AND NOW, this 7ᵗʰ day of March, 2008, it is hereby ordered that Plaintiff's Motion to Compel

(docket entry no. 86) will be granted in part and denied in part.

By March 17, 2008, Defendants shall provide full and complete responses to:

1. Document Request No. 24 in Plaintiff's October 10, 2007 Second Request for Production

of Documents, and will specifically include all documents (as defined by F.R.Civ.P. 34) which pre-

date 2007;

2. Document Request No. 4 in Plaintiff's December 21, 2007 Third Request for Production of

Documents, and will specifically include all documents (as defined by F.R.Civ.P. 34) which pre-date

2007 as well as an exact duplicate of the Defendants' computer database which Defendants' counsel

represented was being made on February 12, 2008; and

3. Interrogatory Nos. 5 and 6 in Plaintiff's October 7, 2007 Set of Interrogatories and will

specifically include a complete list of all consumers whose accounts were turned over to Donald

Smith and/or Smith Services for any purpose whatsoever.

If Defendants have already produced all responsive documents in their possession, custody or

control to any one or more of these aforementioned requests and interrogatories, they shall submit

a verified supplemental response to each of the aforementioned requests and interrogatories indicating they have no additional responsive documents and/or information in their possession, custody or control.

The Court defers ruling on Plaintiff's request for an adverse inference based on Defendants' alleged spoliation of the telemarketing scripts until time of trial.

Finally, the Court denies as moot Plaintiff's request for information concerning the total number of inactive accounts.

<div style="text-align: right">

BY THE COURT:

s/ <u>Donetta W. Ambrose</u>
Donetta W. Ambrose,
Chief U.S. District Judge

</div>